

**EDUCATION ADVISORY COUNCILS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patricia W. Jones**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill provides for the establishment of education advisory councils sponsored by a municipality or a county.

**Highlighted Provisions:**

This bill:

- ▶ allows a municipality or county to establish an education advisory council and requires a municipality or county to establish an education advisory council under certain conditions;
- ▶ specifies the purposes, duties, and membership of education advisory councils;
- ▶ requires education advisory councils to comply with Title 52, Chapter 4, Open and Public Meetings Act and imposes additional requirements for the posting of meeting notices;
- ▶ requires the State Board of Education to conduct an evaluation of education advisory councils every five years and to report the findings to the Legislature;
- ▶ requires a local school board to:
  - implement training programs for school community council members; and
  - seek the advice and consider recommendations of education advisory councils;
- ▶ allows local government entities and school districts to contract and cooperate with one another in matters affecting the education of their residents; and
- ▶ allows a representative of county government to participate in local school board



28 discussions.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53A-3-402**, as last amended by Laws of Utah 2007, Chapter 92

36 **53A-3-409**, as last amended by Laws of Utah 2007, Chapter 215

37 ENACTS:

38 **53A-1a-1001**, Utah Code Annotated 1953

39 **53A-1a-1002**, Utah Code Annotated 1953

40 **53A-1a-1003**, Utah Code Annotated 1953

41 **53A-1a-1004**, Utah Code Annotated 1953

42 **53A-1a-1005**, Utah Code Annotated 1953

43 **53A-1a-1006**, Utah Code Annotated 1953



45 *Be it enacted by the Legislature of the state of Utah:*

46 Section 1. Section **53A-1a-1001** is enacted to read:

47 **Part 10. Education Advisory Councils Act**

48 **53A-1a-1001. Title.**

49 This part is known as the "Education Advisory Councils Act."

50 Section 2. Section **53A-1a-1002** is enacted to read:

51 **53A-1a-1002. Definitions.**

52 As used in this part:

53 (1) "County commission chair" means the chair of the county commission of a county  
54 operating under the county commission form of government pursuant to Section 17-52-501 or  
55 17-52-502.

56 (2) "County executive" means the county executive of a county operating under the  
57 county executive-council form of government pursuant to Section 17-52-504.

58 (3) "County manager" means the county manager of a county operating under the

59 council-manager form of government pursuant to Section 17-52-505.

60 (4) "High school attendance area" means an area established by a local school board  
61 from which students are assigned to attend a certain high school.

62 (5) "Local school board" means the board of education of a school district.

63 (6) "School community council" means a school community council established  
64 pursuant to Section 53A-1a-108.

65 Section 3. Section **53A-1a-1003** is enacted to read:

66 **53A-1a-1003. Establishment of education advisory councils -- Purpose --**

67 **Membership -- Chair -- Appointment of nonmembers to a subcommittee or task force.**

68 (1) (a) The mayor of a municipality that is partly or entirely within the boundaries of a  
69 school district may establish a municipal education advisory council.

70 (b) A mayor shall establish a municipal education advisory council upon the request of  
71 a majority of the school community councils which represent schools located within the  
72 municipality.

73 (2) (a) The county commission chair, county executive, or county manager of a county  
74 that is partly or entirely within the boundaries of a school district may establish an education  
75 advisory council for:

76 (i) the entire county;

77 (ii) a township within the county; or

78 (iii) a high school attendance area within the county.

79 (b) A county commission chair, county executive, or county manager shall establish:

80 (i) a countywide education advisory council upon the request of a majority of the  
81 school community councils which represent schools located within the county;

82 (ii) a township education advisory council upon the request of a majority of the school  
83 community councils which represent schools located within a township in the county; or

84 (iii) a high school attendance area education advisory council upon the request of a  
85 majority of the school community councils which represent schools located within a high  
86 school attendance area in the county.

87 (3) The purposes of an educational advisory council are to:

88 (a) support the interests of schools, parents, and patrons;

89 (b) engage parents and patrons in the programs, governance, and decision-making

90 affecting schools and the school district;

91 (c) develop and implement clear and regular communication between the community,  
92 school district superintendent, and local school board;

93 (d) promote and facilitate collaboration among schools, parents, and patrons to address  
94 the needs and issues of students and schools;

95 (e) promote achievement of students; and

96 (f) identify opportunities to strengthen the relationships between a community, its  
97 schools, school district superintendent, and local school board.

98 (4) The membership of an education advisory council shall include:

99 (a) the mayor, county commission chair, county executive, or county manager, as  
100 applicable, or their designee;

101 (b) a parent member of a school community council of each school located within the  
102 jurisdiction of the education advisory council; and

103 (c) at the request of the charter school, a representative of each charter school located  
104 within the jurisdiction of the education advisory council.

105 (5) The parent members of a school community council shall select from among  
106 themselves the education advisory council member specified in Subsection (4)(b).

107 (6) A charter school governing board shall appoint a parent of a student enrolled at the  
108 charter school as the representative to an education advisory council specified in Subsection  
109 (4)(c).

110 (7) A school community council member or charter school representative on an  
111 education advisory council shall serve a two-year term with no more than two consecutive  
112 terms.

113 (8) The mayor, county commission chair, county executive, or county manager, as  
114 applicable, or their designee, shall serve as chair of an education advisory council.

115 (9) An education advisory council may appoint individuals who are not members of the  
116 education advisory council to serve on a subcommittee or task force of the education advisory  
117 council.

118 Section 4. Section **53A-1a-1004** is enacted to read:

119 **53A-1a-1004. Education advisory council duties.**

120 An education advisory council shall:

- 121 (1) provide advice and recommendations to the chair on education matters affecting  
122 schools located within the jurisdiction of the education advisory council, including:
- 123 (a) education programs;
  - 124 (b) student achievement;
  - 125 (c) the school district budget;
  - 126 (d) school closures; and
  - 127 (e) school boundary changes;
- 128 (2) review school improvement plans developed pursuant to Section 53A-1a-108.5;  
129 (3) coordinate with the chair to promote communication with school community  
130 councils;
- 131 (4) create and coordinate a network of school community councils;
  - 132 (5) identify the needs and priorities for each school within the jurisdiction of the  
133 education advisory council;
  - 134 (6) provide a forum for communities to address education issues;
  - 135 (7) serve as liaison between school community councils, the community, the school  
136 district superintendent, and the local school board;
  - 137 (8) promote issues that will ensure the success of children, schools, families, and  
138 communities;
  - 139 (9) make recommendations to the chair, school district superintendent, and local school  
140 board for the use of resources provided to schools;
  - 141 (10) make recommendations to the school district superintendent and local school  
142 board on education matters affecting schools within the jurisdiction of the education advisory  
143 council, including:
- 144 (a) education programs;
  - 145 (b) student achievement;
  - 146 (c) the school district budget;
  - 147 (d) school closures; and
  - 148 (e) school boundary changes;
- 149 (11) make recommendations to the chair, the school district superintendent, and the  
150 local school board for the sharing of resources and services as determined appropriate; and
  - 151 (12) consider research on policies and practices that ensure the success of children and

152 schools.

153 Section 5. Section **53A-1a-1005** is enacted to read:

154 **53A-1a-1005. Education advisory council meetings -- Number of meetings --**  
155 **Compliance with Open and Public Meetings Act -- Notice of meetings.**

156 (1) An education advisory council shall meet at least quarterly and may meet more  
157 often as determined necessary by the chair.

158 (2) An education advisory council shall comply with the requirements of Title 52,  
159 Chapter 4, Open and Public Meetings Act.

160 (3) A municipal advisory council shall provide notice of the date, time, and place of its  
161 meetings at least ten calendar days before the meeting date by:

162 (a) publishing the notice in a newspaper of general circulation in the municipality;

163 (b) posting the notice:

164 (i) in at least three public locations within the municipality; or

165 (ii) on the municipality's website; and

166 (c) posting the notice on the school district's website.

167 (4) A county-sponsored education advisory council shall provide notice of the date,  
168 time, and place of its meetings at least ten calendar days before the meeting date by:

169 (a) publishing the notice in a newspaper of general circulation in the county;

170 (b) posting the notice:

171 (i) in at least three public locations within the county; or

172 (ii) on the county's website; and

173 (c) posting the notice on the school district's website.

174 Section 6. Section **53A-1a-1006** is enacted to read:

175 **53A-1a-1006. Evaluation.**

176 (1) By October 31, 2014, and every fifth year thereafter, the State Board of Education  
177 shall:

178 (a) provide for an independent evaluation of the effectiveness of education advisory  
179 councils in fulfilling their purposes and duties; and

180 (b) submit a report of the evaluation to the Education Interim Committee.

181 (2) The evaluation report shall address:

182 (a) evaluation methodology;

183 (b) findings on how education advisory councils participate in education  
 184 decision-making; and

185 (c) recommendations for improving and increasing the responsiveness and  
 186 effectiveness of education advisory councils in education decision-making.

187 Section 7. Section **53A-3-402** is amended to read:

188 **53A-3-402. Powers and duties generally.**

189 (1) Each local school board shall:

190 (a) implement the core curriculum utilizing instructional materials that best correlate to  
 191 the core curriculum and graduation requirements;

192 (b) administer tests, required by the State Board of Education, [~~which~~] that measure the  
 193 progress of each student, and coordinate with the state superintendent and State Board of  
 194 Education to assess results and create plans to improve the student's progress which shall be  
 195 submitted to the State Office of Education for approval;

196 (c) use progress-based assessments as part of a plan to identify schools, teachers, and  
 197 students that need remediation and determine the type and amount of federal, state, and local  
 198 resources to implement remediation;

199 (d) develop early warning systems for students or classes failing to make progress;

200 (e) work with the State Office of Education to establish a library of documented best  
 201 practices, consistent with state and federal regulations, for use by the local districts; [~~and~~]

202 (f) implement training programs for school administrators[~~, including~~] that include  
 203 training in:

204 (i) basic management [~~training~~];

205 (ii) best practices in instructional methods[~~, budget training~~];

206 (iii) budgets;

207 (iv) staff management[;];

208 (v) managing for learning results and continuous improvement[;]; and

209 (vi) how to help every child achieve optimal learning in core academics[;];

210 (g) implement training programs for members of school community councils, including  
 211 training on:

212 (i) school-level governance;

213 (ii) data usage;

- 214 (iii) best practices in instructional methods;
- 215 (iv) budgets;
- 216 (v) developing school improvement plans; and
- 217 (vi) the role of professional development; and
- 218 (h) seek advice and consider the recommendations of education advisory councils  
219 established pursuant to Chapter 1a, Part 10, Education Advisory Councils Act.

220 (2) Local school boards shall spend minimum school program funds for programs and  
221 activities for which the State Board of Education has established minimum standards or rules  
222 under Section 53A-1-402.

223 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,  
224 and equipment and construct, erect, and furnish school buildings.

225 (b) School sites or buildings may only be conveyed or sold on board resolution  
226 affirmed by at least two-thirds of the members.

227 (4) (a) A board may participate in the joint construction or operation of a school  
228 attended by children residing within the district and children residing in other districts either  
229 within or outside the state.

230 (b) Any agreement for the joint operation or construction of a school shall:

- 231 (i) be signed by the president of the board of each participating district;
- 232 (ii) include a mutually agreed upon pro rata cost; and
- 233 (iii) be filed with the State Board of Education.

234 (5) A board may establish, locate, and maintain elementary, secondary, and applied  
235 technology schools.

236 (6) A board may enroll children in school who are at least five years of age before  
237 September 2 of the year in which admission is sought.

238 (7) A board may establish and support school libraries.

239 (8) A board may collect damages for the loss, injury, or destruction of school property.

240 (9) A board may authorize guidance and counseling services for children and their  
241 parents or guardians prior to, during, or following enrollment of the children in schools.

242 (10) (a) A board shall administer and implement federal educational programs in  
243 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

244 (b) Federal funds are not considered funds within the school district budget under Title

245 53A, Chapter 19, School District Budgets.

246 (11) (a) A board may organize school safety patrols and adopt rules under which the  
247 patrols promote student safety.

248 (b) A student appointed to a safety patrol shall be at least ten years old and have written  
249 parental consent for the appointment.

250 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion  
251 of a highway intended for vehicular traffic use.

252 (d) Liability may not attach to a school district, its employees, officers, or agents or to a  
253 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting  
254 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

255 (12) (a) A board may on its own behalf, or on behalf of an educational institution for  
256 which the board is the direct governing body, accept private grants, loans, gifts, endowments,  
257 devises, or bequests that are made for educational purposes.

258 (b) These contributions are not subject to appropriation by the Legislature.

259 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue  
260 citations for violations of Subsection 76-10-105(2).

261 (b) A person may not be appointed to serve as a compliance officer without the  
262 person's consent.

263 (c) A teacher or student may not be appointed as a compliance officer.

264 (14) A board shall adopt bylaws and rules for its own procedures.

265 (15) (a) A board shall make and enforce rules necessary for the control and  
266 management of the district schools.

267 (b) All board rules and policies shall be in writing, filed, and referenced for public  
268 access.

269 (16) A board may hold school on legal holidays other than Sundays.

270 (17) (a) Each board shall establish for each school year a school traffic safety  
271 committee to implement this Subsection (17).

272 (b) The committee shall be composed of one representative of:

273 (i) the schools within the district;

274 (ii) the Parent Teachers' Association of the schools within the district;

275 (iii) the municipality or county;

- 276 (iv) state or local law enforcement; and
- 277 (v) state or local traffic safety engineering.
- 278 (c) The committee shall:
  - 279 (i) receive suggestions from parents, teachers, and others and recommend school traffic
  - 280 safety improvements, boundary changes to enhance safety, and school traffic safety program
  - 281 measures;
  - 282 (ii) review and submit annually to the Department of Transportation and affected
  - 283 municipalities and counties a child access routing plan for each elementary, middle, and junior
  - 284 high school within the district;
  - 285 (iii) consult the Utah Safety Council and the Division of Family Health Services and
  - 286 provide training to all school children in kindergarten through grade six, within the district, on
  - 287 school crossing safety and use; and
  - 288 (iv) help ensure the district's compliance with rules made by the Department of
  - 289 Transportation under Section 41-6a-303.
- 290 (d) The committee may establish subcommittees as needed to assist in accomplishing
- 291 its duties under Subsection (17)(c).
- 292 (e) The board shall require the school community council of each elementary, middle,
- 293 and junior high school within the district to develop and submit annually to the committee a
- 294 child access routing plan.
- 295 (18) (a) Each school board shall adopt and implement a comprehensive emergency
- 296 response plan to prevent and combat violence in its public schools, on school grounds, on its
- 297 school vehicles, and in connection with school-related activities or events.
  - 298 (b) The board shall implement its plan by July 1, 2000.
  - 299 (c) The plan shall:
    - 300 (i) include prevention, intervention, and response components;
    - 301 (ii) be consistent with the student conduct and discipline policies required for school
    - 302 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
    - 303 (iii) require inservice training for all district and school building staff on what their
    - 304 roles are in the emergency response plan; and
    - 305 (iv) provide for coordination with local law enforcement and other public safety
    - 306 representatives in preventing, intervening, and responding to violence in the areas and activities

307 referred to in Subsection (18)(a).

308 (d) The State Board of Education, through the state superintendent of public  
309 instruction, shall develop comprehensive emergency response plan models that local school  
310 boards may use, where appropriate, to comply with Subsection (18)(a).

311 (e) Each local school board shall, by July 1 of each year, certify to the State Board of  
312 Education that its plan has been practiced at the school level and presented to and reviewed by  
313 its teachers, administrators, students, and their parents and local law enforcement and public  
314 safety representatives.

315 (19) (a) Each local school board may adopt an emergency response plan for the  
316 treatment of sports-related injuries that occur during school sports practices and events.

317 (b) The plan may be implemented by each secondary school in the district that has a  
318 sports program for students.

319 (c) The plan may:

320 (i) include emergency personnel, emergency communication, and emergency  
321 equipment components;

322 (ii) require inservice training on the emergency response plan for school personnel who  
323 are involved in sports programs in the district's secondary schools; and

324 (iii) provide for coordination with individuals and agency representatives who:

325 (A) are not employees of the school district; and

326 (B) would be involved in providing emergency services to students injured while  
327 participating in sports events.

328 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may  
329 review the plan each year and make revisions when required to improve or enhance the plan.

330 (e) The State Board of Education, through the state superintendent of public  
331 instruction, shall provide local school boards with an emergency plan response model that local  
332 boards may use to comply with the requirements of this Subsection (19).

333 (20) A board shall do all other things necessary for the maintenance, prosperity, and  
334 success of the schools and the promotion of education.

335 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

336 (i) hold a public hearing, as defined in Section 10-9a-103; and

337 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

- 338 (b) The notice of a public hearing required under Subsection (21)(a) shall:
- 339 (i) indicate the:
- 340 (A) school or schools under consideration for closure or boundary change; and
- 341 (B) date, time, and location of the public hearing; and
- 342 (ii) at least ten days prior to the public hearing, be:
- 343 (A) published in a newspaper of general circulation in the area; and
- 344 (B) posted in at least three public locations within the municipality or on the district's
- 345 official website.

346 Section 8. Section **53A-3-409** is amended to read:

347 **53A-3-409. Local governmental entities and school districts -- Contracts and**  
348 **cooperation -- Disbursement of funds -- Municipal and county representative**  
349 **participation in school district board meetings -- Notice required.**

350 (1) Local governmental entities and school districts may contract and cooperate with  
351 one another in matters affecting the education, health, welfare, and convenience of the  
352 inhabitants within their respective territorial limits.

353 (2) A local governmental entity may disburse public funds in aid of a school district  
354 located wholly or partially within the limits of its jurisdiction.

355 (3) (a) A mayor or the mayor's designee of a municipality that is partly or entirely  
356 within the boundaries of a school district and the county commission chair, county executive,  
357 or county manager, or their designee, of a county that is partly or entirely within the boundaries  
358 of a school district may attend and participate in the board discussions at the school district's  
359 board meetings.

360 (b) Each local school board shall give notice of board meetings to:

361 (i) the mayor or the mayor's designee of each municipality that is partly or entirely  
362 within the school district's boundaries[-]; and

363 (ii) the county commission chair, county executive, or county manager, or their  
364 designee, of a county that is partly or entirely within the school district's boundaries.

**Legislative Review Note**  
as of 1-15-08 10:27 AM

**Office of Legislative Research and General Counsel**

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**S.B. 140 - Education Advisory Councils**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations within the next two fiscal years. The independent evaluation required every five years, beginning in 2014, may require additional appropriations to the State Board of Education to conduct (or contract) for these evaluations.

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**Individual, Business and/or Local Impact**

Enactment of this bill may result in additional costs to local school districts associated with implementing training programs for the Education Advisory Councils outlined in the bill. Local impact will vary depending on the number of councils established within its jurisdiction.

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